

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/682,655
		Filing Date	October 8, 2003
		First Named Inventor	Brian Yen
		Art Unit	2878
		Examiner Name	Unknown
Total Number of Pages in This Submission	N/A	Attorney Docket Number	51861.00009

## ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> with RCE <input type="checkbox"/> Extension of Time Request (in duplicate) <input checked="" type="checkbox"/> Return Postcard <input checked="" type="checkbox"/> Information Disclosure Statement (2 pages) <input checked="" type="checkbox"/> PTO Form 1449 (6 pages) (original and one copy to be initialed by the Examiner and returned to us) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Request for Status of Application <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <p style="margin-left: 20px;">101 References cited (only copies of 51 non-patent literature documents are enclosed since the filing date of the application is after June 30, 2003 and copies of U.S. patents are not required).</p>
		Remarks

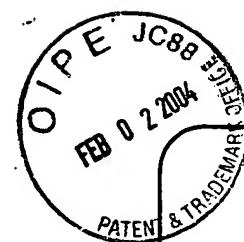
## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Aaron Wininger, Reg. No. 45,229 Squire, Sanders & Dempsey L.L.P. 600 Hansen Way Palo Alto, CA 94304-1043
Signature	
Date	January 29, 2004

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ ) **0**

## Complete if Known

Application Number	10/682,655
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Art Unit	2878
Attorney Docket No.	51861.00009

## METHOD OF PAYMENT (check all that apply)

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The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
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## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1051	130	2051	65	Surcharge - late filing fee or oath	
		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
		1053	130	1053	130	Non-English specification	
		1812	2,520	1812	2,520	For filing a request for reexamination	
		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
		1251	110	2251	55	Extension for reply within first month	
		1252	420	2252	210	Extension for reply within second month	
		1253	950	2253	475	Extension for reply within third month	
		1254	1,480	2254	740	Extension for reply within fourth month	
		1255	2,010	2255	1,005	Extension for reply within fifth month	
		1401	330	2401	165	Notice of Appeal	
		1402	330	2402	165	Filing a brief in support of an appeal	
		1403	290	2403	145	Request for oral hearing	
		1451	1,510	1451	1,510	Petition to institute a public use proceeding	
		1452	110	2452	55	Petition to revive – unavoidable	
		1453	1,330	2453	665	Petition to revive – unintentional	
		1501	1,330	2501	665	Utility issue fee (or reissue)	
		1502	480	2502	240	Design issue fee	
		1503	640	2503	320	Plant issue fee	
		1460	130	1460	130	Petitions to the Commissioner	
		1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
		1806	180	1806	180	Submission of Information Disclosure Stmt	
		8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
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		1801	770	2801	385	Request for Continued Examination (RCE)	
		1802	900	1802	900	Request for expedited examination of a design application	
		Other fee (specify) _____					

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**SUBTOTAL (3) (\$ 0)**

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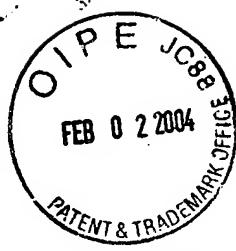
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Name (Print/Type)	Aaron Wininger	Registration No. (Attorney/Agent)	45,229	Telephone	650.856.6500
Signature				Date	January 29, 2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT  
Attorney Docket No.: 51861.00009

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Date: 1/29/04

By:   
Aaron Wininger

In re Application of:	
Brian Yen	Examiner: Unknown
Serial No.: 10/682,655	Art Unit: 2878
Filed: October 8, 2003	
Title: APPARATUS AND METHOD FOR PATTERN DELIVERY OF RADIATION AND BIOLOGICAL CHARACTERISTIC ANALYSIS	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### **INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 CFR §§1.97(b)**

Sir:

In accordance with the duty of disclosure under 37 CFR §1.56 and pursuant to 37 CFR §§1.97-1.98, Applicant hereby notifies the U.S. Patent and Trademark Office of the references listed on the enclosed Form PTO-1449. Pursuant to the PTO's waiver of the requirements under 37 CFR 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent/patent application for new applications filed after June 30, 2003, we are not submitting copies of the U.S. patents cited. However, we are enclosing copies of the non-patent literature documents cited.

The present Information Disclosure Statement is being filed more than three months after the filing date but before receiving the first Office Action. Accordingly, no fee or certification is needed.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant reserves the right to dispute any of the listed documents as prior art during examination. Furthermore, Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application. The submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made or that no other material information may exist.

The Examiner is requested to initial the enclosed Form PTO-1449 and return a copy thereof to the undersigned.

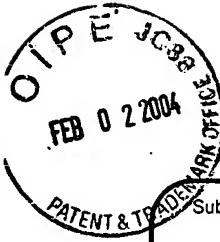
If for any reason an insufficient fee has been paid, please charge the insufficiency to Deposit Account No. 05-0150.

Date: 1/24/04

Respectfully submitted,

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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

6

Complete if Known	
Application Number	10/682,655
Filing Date	October 8, 2003
First Named Inventor	Brian Yen
Art Unit	2878
Examiner Name	Unknown

Attorney Docket Number 51861.00009

## U.S. PATENT DOCUMENTS

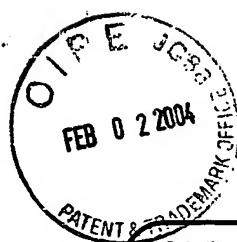
Examiner Initials *	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code <sup>2</sup> (if known)			
		US- 3,958,560	05-25-1976	March, Wayne Front	
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		US- 6,167,290	12-26-2000	Yang et al.	

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				

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INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

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Sheet

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Application Number	10/682,655
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First Named Inventor	Brian Yen
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## U.S. PATENT DOCUMENTS

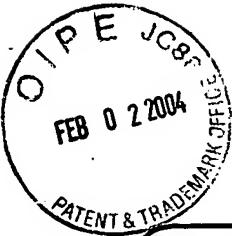
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		Number - Kind Code <sup>2</sup> (if known)			
		US-6,172,743	01-09-2001	Kley et al.	
		US- 6,181,957	01-30-2001	Lambert et al.	
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		US- 6,424,851	07-23-2002	Berman et al.	
		US- 6,430,424	08-06-2002	Berman et al.	
		US-			

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## NON PATENT LITERATURE DOCUMENTS

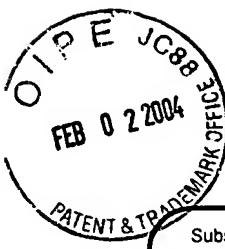
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		FREIHERR, Greg; <i>"The Race to Develop a Painless Blood Glucose Monitor"</i> ; R&D Horizons, Medical Device & Diagnostic Industry (MDDI) archive; March 1997; 9 pages.	
		"Continuous Monitoring of Blood Glucose Levels"; Animas Corporation; Products - Glucose Sensor; 4 pages; Copyright 2000, 2001.	
		TUCHIN, Valery V.; <i>"Coherence and Light Scattering Methods and Instruments for Medical Diagnosis"</i> ; SPIE'S Photonics West Biomedical Optics 2001 Conference; San Jose Convention Center; San Jose, CA; January 20-26, 2001; Short Course Notes SC032; 15 pages.	
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		KLONOFF, Dr. David C. et al.; <i>"Mid-Infrared Spectroscopy for Noninvasive Blood Glucose Monitoring"</i> ; LEOS Newsletter; 3 pages; Vol. 12, No. 2.	
		WAYNANT, R. W., Ph.D. et al.; <i>"Overview of Non-Invasive Fluid Glucose Measurement Using Optical Techniques to Maintain Glucose Control in Diabetes Mellitus"</i> ; Overview of Non-Invasive Optical Glucose Monitoring Techniques; LEOS Newsletter; April 1998; 5 pages; Vol. 12, No. 2.	
		Medical Library - Noninvasive Blood Glucose Monitors; Medem, Inc.; 4 pages.	
		<i>Digital Light Microscopy</i> ; Digital Optical Imaging Corp.; Copyright 1999-2002; 1 page.	
		<i>"Creating a window into the body"</i> ; Posted October 6, 2000; 2 pages. URL://http://perl.spie.org/cgi-bin/news.pl?id=1753	
		HARDING, Anne; <i>"Jab-Free Blood Sugar Test Inching Closer to Reality"</i> ; Yahoo! News - Reuters Limited; August 19, 2002; 3 pages.	
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		GlucoWATCH - Automatic Glucose Biographer and Autosensors - PATIENT INFORMATION; Revision date March 2001; Copyright Cygnus, Inc. 2000; 6 pages.	

Examiner Signature		Date Considered
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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/682,655
(Use as many sheets as necessary)				Filing Date	October 8, 2003
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				Attorney Docket Number	51861.00009

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T <sup>2</sup>
		PU, Chuan et al.; "A Surface-Micromachined Optical Self-Homodyne Polarimetric Sensor for Noninvasive Glucose Monitoring"; IEEE Photonics Technology Letters, February 2000, pages 190-192; Vo. 12, No. 2.			
		SAVAGE, Mark B. et al.; "Development of a Non-invasive Blood Glucose Monitor: Application of Artificial Neural Networks for Signal Processing"; pages 29-20; Copyright 2000 IEEE.			
		MCSHANE, Michael J. et al.; "Glucose Monitoring Using Implanted Fluorescent Microspheres - Working Toward a Minimally Invasive Means for Diabetics to Better Monitor Glucose Levels"; IEEE Engineering in Medicine and Biology; November/December 2000; pages 36-45.			
		HAM, Fredric M.; "Multivariate Determination of Glucose Using NIR Specta of Human Blood Serum"; pages 818-819; Copyright 1994 IEEE.			
		OLESBERG, Jonathon T.; "Noninvasive blood glucose monitoring in the 2.0-2.5 $\mu$ m wavelength range"; Department of Chemistry and the Optical Science and Technology Center, University of Iowa, Iowa City, IA; page 529; Copyright 2001 IEEE.			
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		JIANG, Desheng et al.; "Study on a New Fiber Optic Glucose Biosensor"; ThP9; pages 451-454; Copyright 2002 IEEE.			
		HEISE, H. M. et al.; "Technology for Non-Invasive Monitoring of Glucose"; 18 <sup>th</sup> Annual International Conference of the IEEE Engineering in Medicine and Biology Society, M6 Minisymposium; Amsterdam 1996; pages 2159-2161.			
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		AMEEN, David B. et al.; "A Lattice Model for Computing the Transmissivity of the Cornea and Sclera"; Biophysical Journal; November 1998; pages 2520-2531; Vol. 75.			
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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of

6

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Application Number	10/682,655
Filing Date	October 8, 2003
First Named Inventor	Brian Yen
Art Unit	2878
Examiner Name	Unknown
Attorney Docket Number	51861.00009

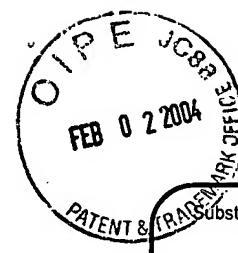
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